

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Gordon Franklin, Jr.,

File No. 22-cv-2311 (ECT/JFD)

Petitioner,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Warden, *Rochester Medical Center*,

Respondent.

Magistrate Judge John F. Docherty issued a Report and Recommendation on October 20, 2022. ECF No. 5. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 5] is **ACCEPTED**;
2. Gordon Franklin Jr.'s petition for a writ of habeas corpus [ECF No. 1] is **SUMMARILY DISMISSED**; and
3. Franklin's application to proceed *in forma pauperis* [ECF No. 3] is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 14, 2022

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court